

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6885 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JAYANTIBHAI G PATEL

NEON FUEL LIMITED

Versus

STATE OF GUJARAT

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Appearance:

MR YS LAKHANI for Petitioner

MR KT DAVE AGP for Respondent No. 1

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 23/09/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. K. T. Dave, learned Assistant Government Pleader appearing for the State. Heard. The petitioner has brought under challenge the order dated 23rd April, 1998 by which the appeal of the petitioner came to be rejected on the ground of delay. On going through the facts of the case, it would appear that the appellate authority has not at

all dealt with the other grounds set out in the appeal and he has merely addressed himself on the question of passage of time. Even the review application has also not been considered by the appellate authority and rejected the same by the impugned order dated 14th July, 1998. Hence, in the facts and circumstances of the case, following direction is issued :

2. The impugned orders dated 25th April, 1998 and 14th July, 1998 are hereby quashed and set aside. The matter is remanded to the appellate authority for dealing with the appeal on merits and in accordance with law. The appellate authority shall decide the appeal after hearing the appellant on all grounds. Rule is made absolute in terms indicated hereinabove with no order as to cost.

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Vyas